

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

2019 NOV 26 PM 12:29

DEPUTY CLERK

Michael J. West
Plaintiff,

-v-

8-19CV-2822X

Civil Action No.

ABM Industries Inc.

Dallas-Fort Worth International Airport F.I.C.

**COMPLAINT FOR A CIVIL CASE
And Jury Demand**

I. Parties to this Complaint

A. The Plaintiff

Michael J. West
630 Primavera Drive
Arlington, TX 76002
(682) 438-6883
MICHAEL.J.WEST@HOTMAIL.COM

B. The Defendants

1. ABM Industries Inc.
One Liberty Plaza
7th Floor
New York, NY 10006
(212) 297-0200
2. Dallas-Fort Worth International Airport/Facility Improvement Corporation
2400 Aviation Drive
DFW Airport, TX 75261 (972) 973-3112

II. Basis for Jurisdiction

A. The Basis for Jurisdiction Is a Federal Question, and is being brought pursuant to:

1. The Americans with Disabilities Act of 1990, most notably:

(a) 42 U.S.C. 12112

(b) 42 U.S.C. 12203

2. Code of Federal Regulations, most notably:

(a) 49 C.F.R. 390.6; 390.13

(b) 49 C.F.R. 390.36

III. Roles of the Defendants

1. **ABM Industries Incorporated**- is contracted to operate the Employee Shuttle bus system on behalf of the DFW Airport. Through its division ABM/Aviation, ABM manages day to day operation of the Employee Shuttle system. Upper management of ABM/Aviation provides daily reports to DFW Airport/FIC. I worked for the ABM/Aviation division of ABM Industries Inc. I was hired through a staffing agency. After my promotion I was urged to become a regular ABM employee. I electronically signed releases for background and drug screening. I am still paid by the staffing agency.

2. **Dallas-Fort Worth International Airport/Facility Improvement Corporation** is, to the best of my knowledge, the actual operator/carrier of the buses we manage. As the carrier DFW/FIC is ultimately accountable to the Department of Transportation. DFW/FIC exerts authority and oversight in the operation of the Employee Shuttle system through its division, the Parking Business Unit.

As a driver, PBU personnel were restricted from directly interacting with me. After my promotion to Field Supervisor; I had limited interaction with the airport employees performing oversight through its division called the *Parking Business Unit*. Their individual employees are known as Q/A(s).

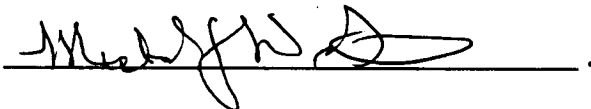
Most pertinent to my cause, as the *DOT licensee/carrier*, they would have the authority to own/view the data collected by SmartDrive™ monitoring and analytic cameras. SmartDrive™ is installed in all the buses and supervisor vehicles I drove and rode in.

STATEMENT OF CLAIM

1. I have fourteen years of commercial motor coach driving experience. In March of 2019, I was hired through a staffing agency to drive the Employee Shuttle at The Dallas Fort Worth International airport (DFW). After four months I was offered a promotion to become a Field Supervisor. In early August 2019, I was reassigned to the overnight (first) shift after a month of supervisor's training.
2. The shift manager was very knowledgeable, fair, and had a firm command over operations. She assigned me to a very "desirable" sector, supervising very capable drivers. She was very patient, allowed me to make mistakes, and would offer suggestions for improvement one on one. During this first week my personal vehicle was vandalized in the base-operations lot.
3. On August 9th she informed the entire shift; the following night would be her last and quit.
4. On August 11th a dispatcher filled the void, that night the dispatcher sabotaged my work efforts. After my shift I emailed a two page complaint letter to the site manager.
5. Two days later I was called into a meeting conducted by an assistant site manager, and another individual that became my shift manager. The meeting was centered around my personal characteristics and the quality of my home life. I was also asked to explain the reasoning for writing my complaint letter. Our conversation never approached remedies.
6. Within the week, the new shift manager was installed. A steady pattern of harassment and less than desirable work demands followed including, but not limited to the following:
 - Not being allowed to drive a supervisor's vehicle, at times, even though one was available, another supervisor to whom a vehicle was not essential would receive it. Causing me to seek treatment for disabling pain.
 - Being assigned to drive a bus with known roach infestation
 - Asked to attempt to start a bus I had ordered out of commission two days earlier (and not yet repaired) for a defect in the fueling system
 - Excessive monitoring by the SmartDrive™ video & analytics system
 - A failure by two managers with knowledge, to return my misplaced cell phone and destruction of data on its detachable memory card.
 - Being at times coerced to drive non-DOT compliant bus(es), once being *sent home* for refusing to do so.
7. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including damages, costs, and any attorney fees that may arise in the course of this action.

DATED: 11/26/2019

Mr. Michael J. West- pro se plaintiff
630 Primavera Drive
Arlington, TX 76002
MICHAEL.J.WEST@HOTMAIL.COM



JS 44 (Rev. 06/17) - TXND (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Michael J. West

(b) County of Residence of First Listed Plaintiff **TARRANT**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

PRO SE

DEFENDANTS

ABM INDUSTRIES INC.

DALLAS-FORT WORTH INTERNATIONAL AIRPORT F.I.C.

County of Residence of First Listed Defendant **NEW YORK**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, LIST THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

8-19CV-2822XNOV 26 2019
CLERK U.S. DISTRICT COURT
DISTRICT OF TEXAS**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 12112, 12203; 49 C.F.R. 390.6, 390.13, 390.36

Brief description of cause:

EMPLOYMENT DISCRIMINATION AND HARRASSMENT**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
 344,000.00

 CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No
VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

11/26/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # **120475** AMOUNT **400.00**

APPLYING IFP

JUDGE

MAG. JUDGE